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March 20, 2003

Commissioner for Patents  
Box DAC  
Washington, DC 20231

**Subject:** Waiting Response From PTO on Renewed Petition under 37 CFR 1.137(a) for Patent Application 09/655792

To: Commissioner of Patents

We are anxiously awaiting a response to our renewed patent petition request that was mailed to the *Commissioner of Patents* more than four months ago on our patent application that was originally filed on August 31, 2000. If there is anything we can do to speed the completion of this patent, please let us know.

As your office is aware, we previously petitioned the USPTO to revive our patent under either 37 CFR 1.137 (a) or 37 CFR 1.137 (b) on August 7, 2002. In the renewed petition mailed on November 15, 2002, we provided conclusive evidence that our delay was unavoidable and pointed out specific errors made by the USPTO in assessing our timing.

We trust finally that our efforts will not have been wasted and our patent will finally be granted.

Sincerely,

Bernard H. Browne, Jr. - Inventor

Author/Publisher of *America Online and Best Web Sites* book series

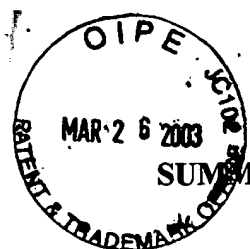
**Attachment:** Table 1 Summary of all communications with Patent Office.

cc: Stanley Witkowski, Examiner  
Group Art Unit 2837

**RECEIVED**

MAR 27 2003

**OFFICE OF PETITIONS**



# Table 1

## SUMMARY OF ALL OFFICE ACTIONS/COMMUNICATIONS ON APPLICATION 09/655792 "INSTANT MUSICIAN, RECORDING ARTIST AND COMPOSER"

by Bernard H. Browne, Jr.

A. Action Item No.	B. USPTO Action Date	C. Inventor Action Date	D. USPTO Stated Date on Inventor's Action	E. Action Description
1.		8/31/00	8/31/00	Initial patent application
<b>Revisions to Rules in the Federal Register on September 8, 2000</b>				
2.	1/24/01			3 month reply requested for more specification detail, modification of claim(s) and comments on possible similar material in the patents of Sitrick, Aoki, et al.
3.		04/16/01		30 day extension requested along with \$55.00 paid via check.
4.		5/23/01	5/29/01	<u>Amended application</u> provided as requested in action item 2 including more detailed specification (7 pages increased to 29 pages), more drawings (11 drawings increased to 28 drawings), more detailed claims (1 multi part claim amended to 17 comprehensive claims) and well documented reasons why our patent application was different from the material in the patents of Sitrick, Aoki, et al.
5.	10/04/01			"Final Action" with 3 month reply requested relating to what appeared to be new material in our amended specification, claims, drawings; and reasons why our application didn't infringe upon patents of Sato, Farrand, Goede, Miyano and Eller.
6.		12/24/01	1/15/02	Material provided to USPTO as requested including: proof that new functional material was not added in the 05/23/01 amendment, corrections to claims and reasons why our application didn't infringe upon the inventors' material referenced above.
6a.	2/08/02			Trina at Patent Office called inventor on phone and requested a late fee of \$55.00. It was not explained what the fee covered.
7.		2/08/02	1/15/02	Inventor FAXed Trina at the Patent Office authorizing a \$55.00 charge to inventor's American Express account.
8.	2/13/02 (Final action was due 1/04/02)			Advisory action stating that the "amendment" filed on "1/15/02" did not comply with Rule 37 CFR 1.121. It was documented that "The period for reply expires 3 months from the mailing date of the final rejection."

A. Action Item No.	B. USPTO Action Date	C. Inventor Action Date	D. USPTO Stated Date on Inventor's Action	E. Action Description
9.		5/03/02	5/03/02	209 pages of patent material mailed complying with 37 CFR 1.121 within the 3 months (11 weeks and 2 days) of action 8 including marked up original material to show amendments and clean versions of the amended abstract, specification, claims and drawings both with the original figure numbers and with new figure numbers.
11.	5/23/02			Notice of abandonment stating that paper filed 5/03/02 was not filed on time.
12.		5/29/02		Letter to Assistant Commissioner of Patents explaining that the Inventor felt that the reply to the Patent Office's 2/13/02 request was due 5/13/02 because: 1) the Patent Office requested a 3 month response from the Final Action which had already expired on 1/04/02, and 2) the Patent Office requested a \$55.00 late fee on 2/08/02.
13.	6/21/02			Statement that the advisory action mailed 2/13/02 did not set a new three month shortened statutory period for a reply.
14.		6/25/02		Inventor's request for advice on what action was required to complete the patent action and more detail provided on the timing of the Inventor's actions.
15.	7/25/02			Notice that the Applicant is required to file a petition under 37 CFR 1.137 for revival of the application.
16.		8/07/02	8/12/02	Applicant files a petition under 37 CFR 1.137 (a) <b>OR</b> 37 CFR 1.137 (b) for revival of the application.
17.	10/03/02			Letter from petitions attorney dismissing petitions under 37 CFR 1.137 (a) <b>AND</b> 37 CFR 1.137 (b).
18.		11/15/02		Response to reactivate patent per 37 CFR 1.137 (a) showing errors on the part of USPTO in assessing the inventor's timing.
19.		3/20/03		This letter wondering when the patent will finally be granted.